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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,218	08/26/2003	Larry Kirn	189877/RUS/2	5415
27076 7590 07/11/2008 DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT SUITE 3400 1420 FIFTH AVENUE SEATTLE, WA 98101				
EXAMINER				
CHANG, JOSEPH				
ART UNIT		PAPER NUMBER		
2817				
MAIL DATE		DELIVERY MODE		
07/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10649218	8/26/03	KIRN, LARRY	189877/US/2

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ART UNIT	PAPER
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Commissioner for Patents

In response to the remand to the examiner from the BPAI, the claims have been reviewed in light of the memorandum issued on May 15, 2008 by John J. Love, the Deputy Commissioner for Patent Examining Policy, entitled "Clarification of Processes under 35 USC 101. Further, the claims do not recite purely mental steps and the claimed steps of "measuring" and "locking" inherently require use of machine. As such, it has been determined that the claims are directed to statutory subject matter under 35 USC 101. See In re Comiskey (84 USPQ2d 1670). The case is being returned to the BPAI for decision on appeal.

/Joseph Chang/
Primary Examiner, Art Unit 2817